

## REMARKS

A new declaration is submitted herewith which identifies the present application by number and filing date. Copies of drawing pages are enclosed and show corrections to the drawings marked in red. Objections to certain parts of the specification are noted, and changes have been made to hopefully remove those objections.

The rejection of claims 4-9 and 11-13 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as an invention is noted. Changes in the claims have been made to remove the indefiniteness and clarify the claim language.

The rejection of claims 4 and 5 under 35 USC 102(b) as being anticipated by Funk and rejection of claims 4-7 under 35 USC 103(a) as being unpatentable over Frankel in view of Funk are respectively traversed.

It is emphasized that applicant's circular shelf is of a single piece, integral construction, all features of which are produced with the shelf when all are formed in the same operation. The shelf, its hub, the pin-receiving detent and the post encircling sleeve are a single component, all formed integrally together at the same time. Thus the shelf and its attendant features are homogenous, i.e., formed of uniform structure or composition throughout. The claims have been amended so that all include the term "homogeneous" to emphasize this unique feature.

Frankel and Funk do not disclose single piece homogeneous shelves. Applicant is not aware of a homogeneous circular shelf having ever been used in the kitchen accessories industry.

This application is under final rejection, although the Examiner has noted that claims 8, 9, 11, 12 and 13 would be allowable if re-written in the manner suggested in the Office Action. The one piece homogeneous entity referred to in the application as the "shelf," includes the shelf, hub and pin-receiving components. Hopefully this is now clarified so that the rejection of all claims can

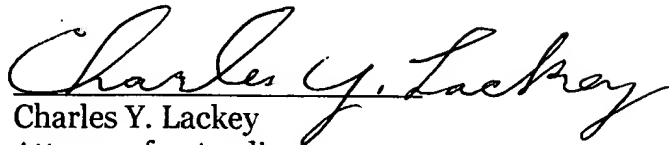
be withdrawn. The shelf developed by applicant is positioned on a supporting post through a central shelf opening . The post has diametrically opposed apertures through which can be inserted a cylindrical pin, and the shelf slides down so that the pin which extends outside the shaft on opposite sides can be received by and reside within the pin-receiving indent formed in the shelf. Only two elements are required to affix the shelf to the post – the shelf which includes the post encircling sleeve and the pin receiving indent and the pin. The shelf and its associated elements form a homogeneous structure.

This amendment is made in accordance with 37 CFR Section 1.1116 which provides that amendments touching the merits of the application...after final rejection... may be admitted upon a showing of good and sufficient reasons why they are necessary and were not presented earlier. The issues discussed in this amendment have been in the case from the beginning, however the claims now have been supported with language that clearly sets forth the most important features of the invention. It is submitted that the language clarification set forth herein demonstrates good and sufficient reasons why the included claim amendments are now appropriate.

Withdrawal of the rejection of all claims is respectfully requested. The undersigned will be available for any contact by the Examiner should a conference be needed.

It is submitted that claims 4 – 9, 11 and 13 are now in condition allowance, and that action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Charles Y. Lackey".

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Date: Feb. 4, 2003

## **Versions with Markings to Show Changes Made**

### **Amendments in the Abstract:**

The following replacement Abstract replaces the previous version of the Abstract.

A rotary shelf assembly mechanism has shelves mounted on a vertical post arrangement formed by a first lower post and a second upper post. The mechanism is connected to a cabinet frame by upper and lower mounting brackets interacting with the top and bottom of the cabinet frame to support the posts and shelves carried thereby. The mechanism is mounted in the corner of the cabinet interior. To fit the mechanism with the cabinet, a height adjustment device is formed by positioning the second upper post in the upper end of the first lower post for slidable movement therebetween. When securement of the two joined posts and mounted shelves is desired, the slidably movable second upper post is extended upwardly until engages the upper mounting bracket. An elongated recess in the second upper post aligns with an opening in the first lower post, and a threaded member extends into a casting positioned within the upper post. The threaded member is tightened to engage the casting and secure the two posts in a shelf-retaining and rotational mode. The height adjustment device enables quick and efficient installation of the mechanism within the cabinet interior. A one piece homogeneous shelf construction having a post-securing section and a shelf-retaining pin are also a part of the assembly mechanism.

### **Amendments in the Specification:**

In accordance with 37 CFR 1.121(b), the following replacement paragraphs show all the changes made by the foregoing amendment relative to the previous version of the paragraphs.

#### **Page 3, 1<sup>st</sup> Full Paragraph:**

Shelf construction for Lazy Susan assemblies have traditionally included the use of several separate components that were combined to form the finished shelf. Additional and separate structure was also needed to affix the shelf to the supporting post. A collar was often positioned under the shelf with a pin extending through it to engage the post and frictionally hold the collar in a stationary position and thereby supporting the shelf during use. Shelves made of multiple components are expensive and involve considerable time and adjustment when installed. For this reason there is a need to improve shelf structure, form the shelf as a one-piece homogeneous structure and reduce the time normally involved in shelf installation and adjustment.

#### **Page 5, 1<sup>st</sup> Full Paragraph:**

This invention also includes a uniquely [molder] formed one-piece homogeneous shelf [with] having a post-securing shelf section which enables securement of the shelf to the post with a single pin. The post-securing shelf section of the one-piece shelf is a hub-like configuration accommodating the post and containing a molded recess to cooperatively receive a pin that has been passed through the post and extends outwardly therefrom on both sides.

Page 6, Last Paragraph:

Fig. 3a is a perspective view of the joined posts shown in Fig. 2;

Fig. 3b is a top plan view of the joined posts shown in Figs. 2 and 3a;

Page 8, 2<sup>nd</sup> Full Paragraph:

Fig. 16 is view similar to that shown in Fig. [21] 15;

Page 8, 4<sup>th</sup> Full Paragraph:

Fig. 18 is a perspective view of the rolled pin shown in [pin 23] Fig. 17.

Page 11, Third Full Paragraph:

The present invention also includes a uniquely formed one-piece homogeneous shelf with a post securing shelf section which enables the securement of the shelf to the post with a single ping. The top and bottom of the shelf are shown Figs. 11 and 12 respectively. The single piece homogeneous shelf is molded entirely of a plastic or other suitable material and provided with a plurality of strengthening ribs 45 that extend radially of the circularly configured shelf from the post- securing shelf section 62. Circular supporting ribs 47 provide additional strength.

Page 11, Fourth Full Paragraph:

Post-securing shelf section 62 is made up of a circular hub 48 (Fig. [13] 14) which houses within its formed interior 58 [a] the plurality of radially extending ribs 45 [64] emanating from a post encircling sleeve 54 [66]. Two pin-receiving indents

56 [68] cooperatively open into sleeve 66 so that a pin inserted through [a] post 22 [58] (Fig. 14) will nest within indents 56 [68] and be within the interior of hub 48 and post 22.

Page 11, Starting at the Last Paragraph:

Thus, the one piece shelf 20 can be positioned over post 22 [58] as shown in Fig. 14 and sustained at a predetermined location by the insertion of a pin through an aperture 63 [62] in post 22 [58] with the extending ends of the pin cooperatively received by indents 68 to secure the shelf at a precise location on post 22 [58].

Page 12, Last Paragraph:

Fig. 16 illustrates the positioning of clip 78 as it is urged against post 34 and into apertures 82, 84, and Fig. 15 [21] shows clip 78 in the final engaged in shelf-securing position. For ease of installation a slightly offset end and extension 88 is formed on tip 82 so that it can be initially engaged or [of] seated in aperture 86 when clip 78 is thereafter urged forward until tip 80 engages aperture 84.

**Amendments in the Claims:**

In accordance with 37 CFR 1.121(c), the following versions of the claims as rewritten by the foregoing amendment show all the changes made relative to the previous versions of the claims.

4. (four times amended) A rotary shelf assembly mechanism comprising: a vertical post arrangement; first and second mounting brackets spaced apart from and opposing each other supporting the post arrangement; at least one single piece homogeneous shelf connected to the post arrangement, the post arrangement having pin-receiving apertures [at the location of each] proximate the at least one connected [shelves] shelf, each of the at least one [single piece shelves] shelf having [an integral] a post-securing section including a hub and a pin-receiving indent within the hub; and a pin extending through the post arrangement pin-receiving apertures and cooperatively received and retained by the pin-receiving indent of the at least one shelf to secure the at least one shelf to the post arrangement.

8. (four times amended) The mechanism as claimed in claim 5 wherein the [pin-receiving indent] post arrangement includes a post-encircling sleeve, the [and] at least one pin-receiving indent [portion] connecting with the post-encircling sleeve to cooperatively receive the pin within the at least one indent [portion] and the post-encircling sleeve [and] , through the post arrangement pin-receiving apertures and through the post.

9. (four times amended) The mechanism as claimed in claim 7 wherein the [pin-receiving indent] post arrangement includes a post-encircling sleeve, the [and] at least one pin-receiving indent [portion] connecting with the post-encircling sleeve to cooperatively receive the pin within the at least one pin-



receiving indent [portion] and the post-encircling sleeve, [and] through the post arrangement pin-receiving apertures and through the post.

11. (four times amended) The mechanism as claimed in claim 4 wherein the hub of the at least one [single piece] shelf has a post-receiving opening and the post-receiving indent is a rectangularly shaped recess communicating with the post-receiving opening, the post arrangement has [diametrically aligned] pin-receiving apertures at each of the at least one shelf positions and the pin is cooperatively received by the shelf hub, the post-securing indent and the post [diametrically aligned] pin-receiving apertures to secure the at least one shelf to the post.

12. (four times amended) The mechanism as claimed in claim 11 wherein the pin is an elongated element having first and second ends and the pin-receiving indent engages at least one of the pin ends when the pin operably secures the at least one shelf to the post arrangement.

13. (once amended) The mechanism as claimed in claim 7 wherein the pin-receiving indent includes a post-encircling sleeve and at least one pin-receiving indent [portion] connecting with the post-encircling sleeve to cooperatively receive the pin within the at least one pin-receiving indent, through [portion and] the post-encircling sleeve and through the post arrangement pin-receiving apertures and the post, and the hub of the at least one [single piece] shelf has a post-receiving opening and the post-securing indent is a rectangularly

shaped recess communicating with the post-receiving opening[,] and the post arrangement has pin-receiving [diametrically aligned] apertures [at the at least one shelf positions] and the pin is cooperatively received by the shelf hub, the post-securing indent and the post pin-receiving [diametrically aligned] apertures to secure the at least one shelf to the post.

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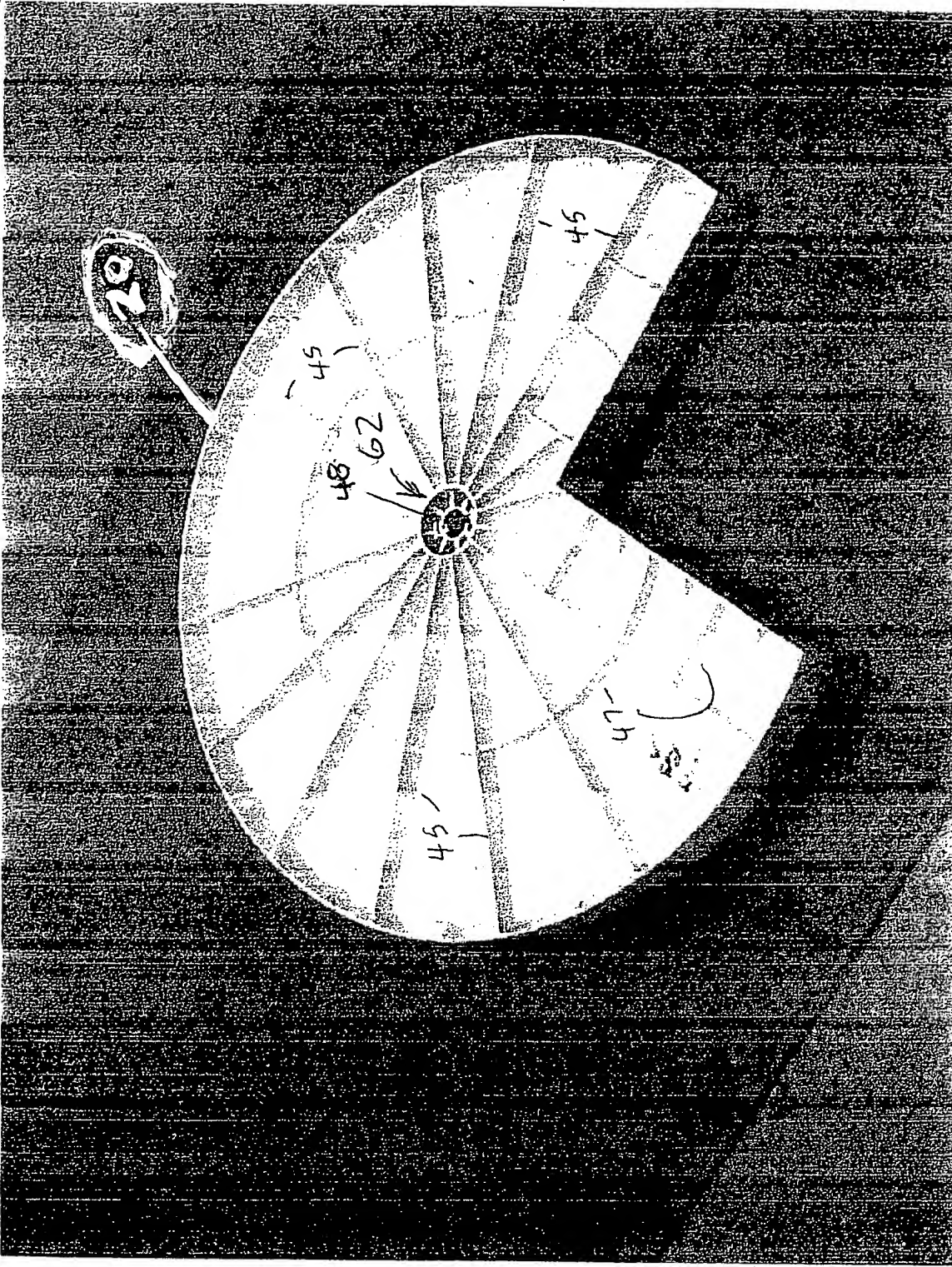


Fig. 11

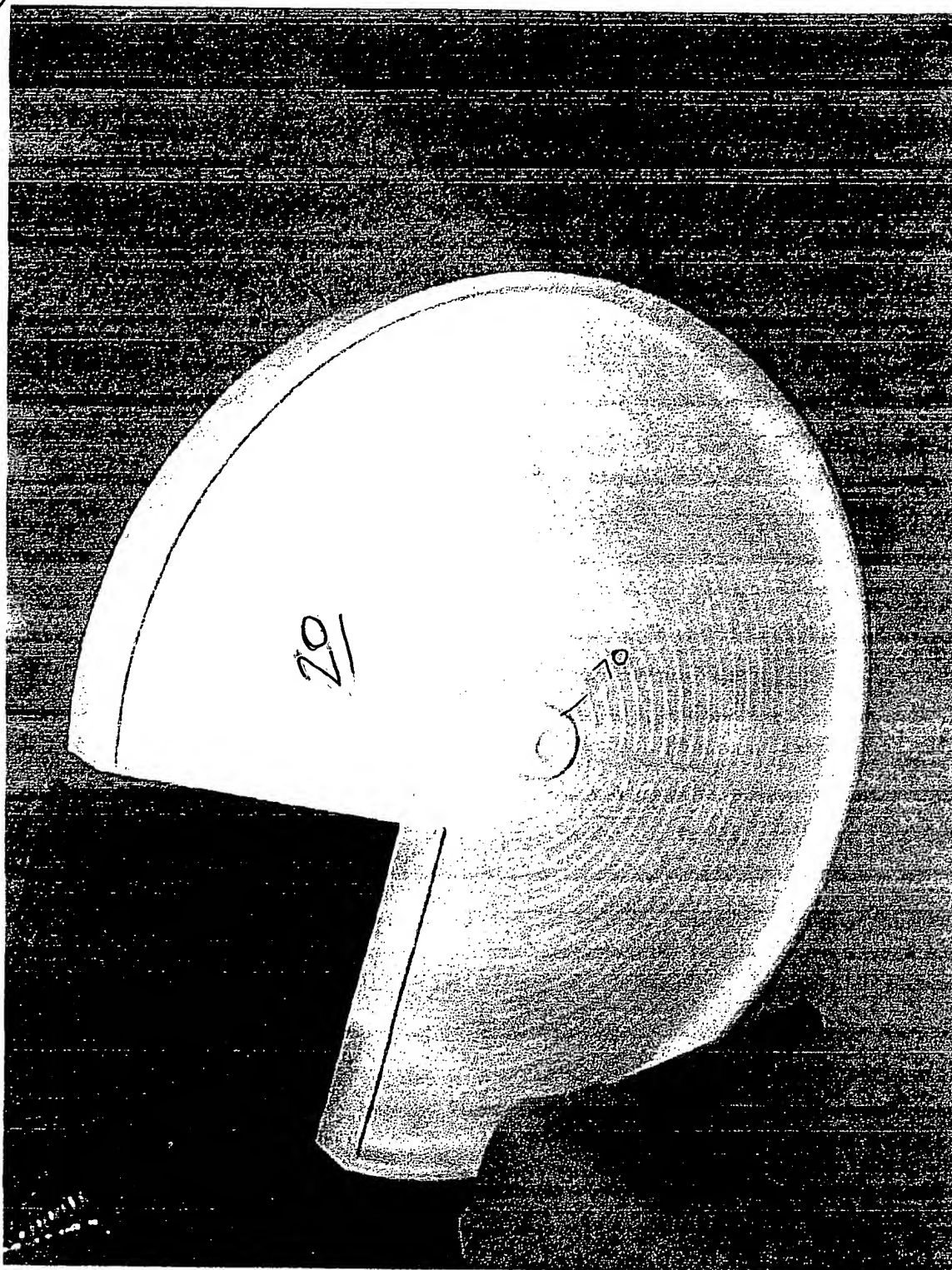
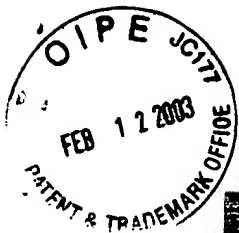


Fig. 12

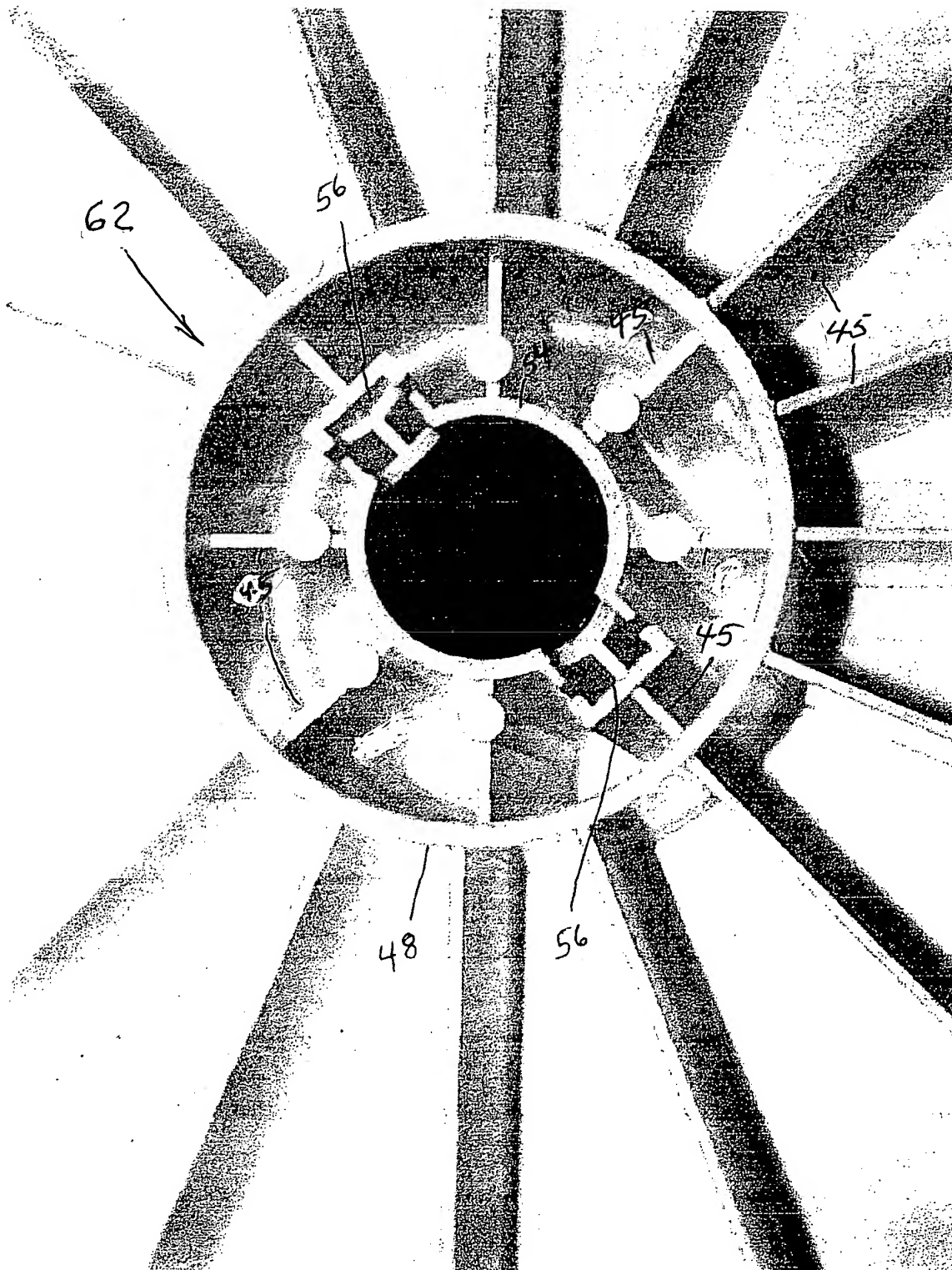
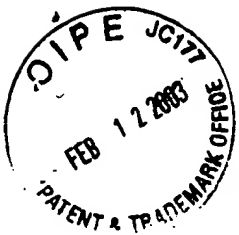


Fig. 13

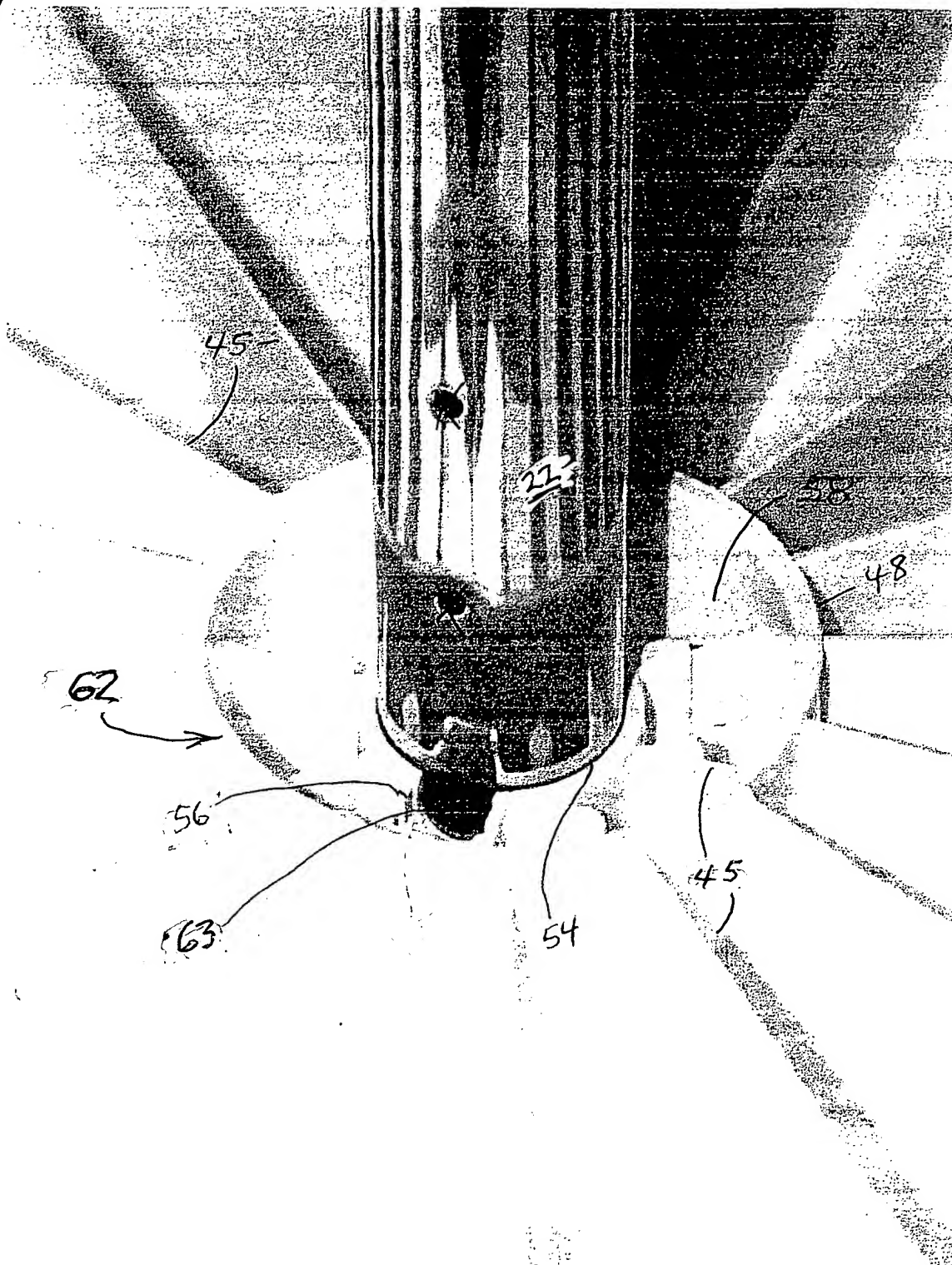


Fig. 14